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Paper No. 13

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MAY 16 2003

OFFICE OF PETITIONS

In re Application of :
Steinberg, Sherrer, Duartartas, and:
Schinazi : DECISION ACCORDING STATUS
Application No. 10/037,971 : UNDER 37 CFR 1.47(a)
Filed: 24 October, 2001 :
Atty Docket No. ACT141P (11671003) :

This is in response to the twice renewed petition filed under 37 CFR 1.47(a) on 5 May, 2003.

The petition is **GRANTED**.

Petitioner has shown that non-signing inventor Robert Schinazi has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, the declaration of petitioners' registered patent attorney, Maria Ellseeva, states that joint inventor Schinazi was supplied, via E-mail, a copy of the application and the declaration. Schinazi has refused, however, to sign and return the declaration naming him as a joint inventor along with joint inventors Dan A. Steinberg, David W. Sherrer, and Mindaugas F. Dartartas.

Additionally, as joint inventor Steinberg has altered the declaration he signed to reflect that he is not the first inventor, he is also considered not to have signed a declaration in compliance with 37 CFR 1.63 and 1.64 and is considered a non-signing inventor.

Petitioners are further advised that a petition under 37 CFR 1.48 is required to delete inventors Steinberg and/or Schinazi if, on further investigation, applicants find that the inventorship should be to joint inventor Schinazi as joint inventors Steinberg or Schinazi claim.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the declaration. The Office is construing the Oceanside, CA address listed in the defective declaration signed by joint inventor Schinazi as Schinazi's last known address and will forward notice to him at that address. Petitioners must inform the Office if this is an incorrect interpretation. Notice of the filing of this application will also be published in the Official Gazette.

The address listed on the petition filed on 5 May, 2003, is different than the correspondence address listed in Office records. The Office is sending a courtesy copy of this decision to the address listed on the petition. All future correspondence, however, will be sent solely to the address of record. A change of correspondence address should be filed if necessary.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Houston Eliseeva
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Dan A. Steinberg
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Blacksburg, VA 24060

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MAY 16 2003

OFFICE OF PETITIONS

In re Application of
Schinazi et al.
Application No. 10/037,971
Filed: 24 October, 2001
For: FIBER ARRAY WITH V-GROOVE CHIP AND MOUNT

Dear Mr. Steinberg:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 703/308-6918. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood
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